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Rio Rancho Police Department

2 messages

ANDREW RODRIGUEZ <ARODRIGUEZ@rrmm.gov>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Fri, Jan 13, 2017 at 11:54 AM

Darlene Montoya,

Please find the attached policies regarding Use of Force and Serious Use of Force Incidents and In Custody Deaths. We review these policies at minimum once a year. Training occurs once a year as well to include classroom and practical exercises.

Lieutenant Andrew Rodriguez

Rio Rancho Police Department

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There are all kinds of myths that a people has about itself, some positive, some negative, some healthy and some not healthy. I think that one job of the historian is to try to cut through some of those myths and get closer to some kind of reality. So that people can face their current situation realistically, rather than mythically. I guess that's my sense of what a historian ought to do.

— James M. McPherson

2 attachments



I-1-5 Use of Force 2016 Final 12 20 16.docx
245K



IX-2-8 Serious Use of Force and In Custody Death Incidents Final 2 12 19 16.docx
226K

Montoya, Darlene <dmontoya@nmag.gov>
To: ANDREW RODRIGUEZ <ARODRIGUEZ@rrmm.gov>

Tue, Jan 17, 2017 at 8:40 AM

Thank you for your response to our request Lieutenant Rodriguez. Have a great day and be safe.

[Quoted text hidden]

—
Darlene Montoya, Administrator
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RIO RANCHO

POLICE

SERVING SINCE 1981

STANDARDS AND PROCEDURES

EFFECTIVE DATE: 12-11-2008

REVISED DATE: xx-xx-2016

SECTION: I**CHAPTER: 1****ARTICLE: 5****USE OF FORCE****GENERAL STANDARD**

The Department recognizes and respects the value and importance of each human life. In vesting an officer with the lawful authority to use force to protect the public welfare, a careful and constant balancing of all human interests is required. The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. Officers may objectively use reasonable force to carry out their duties. The force used must be reasonable under the circumstances known to the officer at the time it was used. Therefore, the Department examines all use of force incidents from an objective standard rather than a subjective standard. The value of all human life should be appropriately weighed in the decision process. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

DEFINITIONS

Officer – For the purpose of this Standards and Procedures section, an officer is any sworn member of the Department.

Objective Reasonableness - The test of reasonableness is not capable of precise definition or mechanical application. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. The officer's perception may be a consideration, but other objective factors will determine the reasonableness of force. These factors may include but are not limited to:

- The severity of the crime(s) at issue;
- Whether the subject poses an immediate threat to the safety of the officers or others;
- Whether the subject is actively resisting arrest;
- Whether the subject is attempting to evade arrest by flight.

Immediate Threat - A subject is an immediate threat to an officer or another person when he or she demonstrates the intent to cause physical harm or actively resists being controlled. The subject must have the means or the capability to carry out the perceived or articulated aggression, and the opportunity to carry out the act.

Static Resistance – A subject is displaying static resistance when he or she refuses to comply with verbal commands and/or attempts to gain physical control by balking, becoming dead weight and/or grasping a solid structure.

Active Resistance – A subject is displaying active resistance when he or she physically resists verbal commands or attempts to gain physical control by either pulling away, attempting to escape or by powering through a control hold.

Ominous Resistance – A subject is displaying ominous resistance when he or she demonstrates the willingness to engage in combat through verbal challenges and/or aggressive behavior or the threat attacks (bites, pushes, kicks strikes, chokes, etc.).

Lethal Resistance - The threat demonstrates any force under the circumstances and is readily capable of causing death or serious physical injury.

Use of Force – Any physical effort used in order to effect, influence, or persuade the compliance of an unwilling subject above an unresisted handcuffing procedure.

Lethal Force – A degree of force, which is likely to produce death or serious bodily injury. Lethal Force is not limited to the use of firearms.

Less Lethal Force (LLF) – A degree of force which is neither likely nor intended to cause death.

Less Lethal Force Weaponry – Any weaponry which is neither likely nor intended to cause death.

Less Lethal Force Techniques – Any technique which is neither likely nor intended to cause death including an officer's hands, legs, knees, elbows, or other body part when used in accordance with this policy.

Conducted Electrical Weapons (CEW) - Devices designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

Aphids - Confetti-like pieces of paper that are expelled from the cartridge of the Taser when fired. Each aphid contains an alphanumeric identifier unique to the specific cartridge used.

Crisis Intervention Techniques (CIT) – Skills and techniques that aid officers in the interaction with individuals suffering from mental illness or emotional distress in a manner which increases the likelihood of a safe resolution for both the officer and the person in crisis.

CIT Officer – An officer who has attended a minimum number of hours, as determined by the Department, in specialized or certified training that provides instruction regarding Crisis Intervention Techniques.

STANDARDS AND PROCEDURES

- A. All officers will apply current Department training standards regarding the use of force to include de-escalation, less lethal force, lethal force, case law, and best practice guidelines.
- B. De-Escalation
 1. The Department recognizes that an officer must exercise control of an individual displaying static, active, ominous or lethal resistance or to protect others from an immediate threat. Officers have the ability to impact the direction and the outcome of many decisions they handle based on their decisions and the tactics employed.
 2. The level of force employed must be commensurate with the threat posed by the subject and the seriousness of the immediate situation. It is recognized and understood that circumstances are fluid and may change rapidly. Officers should rely on their training, experience, and assessment of the situation, to decide the appropriate level of force.



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3. Requesting a supervisor: Whenever an officer learns through his or her observations or otherwise, that a situation may develop into a use of force incident, he or she shall request a supervisor to the scene.
4. Requesting a CIT officer: Whenever an officer learns, through his or her observations or otherwise, that a person with whom the officer is dealing may be a mentally ill, developmentally disabled, or emotionally disturbed individual, the officer will, if time and circumstances reasonably permit and dictate, contact dispatch and request that a CIT officer respond to the scene.
 - a. If time and circumstances reasonably permit, officers will use distance, time, verbal persuasion, or other tactics, to de-escalate the situation when dealing with such persons. When a CIT officer arrives on the scene, he or she should be the primary officer responsible for coordinating negotiations with the mentally ill, developmentally disabled, or emotionally disturbed individual unless determined otherwise by the CIT officer or a superior officer.
 - b. Supervisors will monitor high risks calls and ensure compliance with these procedures.
5. When reasonable under the totality of the circumstances, officers should do the following:
 - a. Assess the risks;
 - b. Use verbal persuasion;
 - c. Gather resources;
 - d. Slow the momentum;
 - e. Communicate and coordinate with other responding officers;
 - f. Seek cover;
 - g. Re-deploy.

C. Less Lethal Force

1. An officer may use Objectively Reasonable Less Lethal Force to:
 - a. To gain control or compliance of an individual;
 - b. Overcome a person's active, or ominous resistance;
 - c. Protect an officer or others from the immediate threat or use of non-lethal force;
 - d. Effect a lawful arrest;
 - e. Prevent an escape.
2. The decision to use LLF on an individual shall be guided by Objective Reasonableness and must be

evaluated under the totality of the circumstances known or perceived by the officer at the time the decision to use force is made.

3. If practical, and without sacrificing a positive disparity of force in the officer's favor, an officer will announce a warning to the subject and other officers of the intent to use less lethal force.
4. Officers are authorized to use and carry only the following Department approved LLF weaponry:
 - a. Pepper Spray (OC);
 - b. Expandable Baton;
 - c. Conducted Electrical Weapons (TASER or CEW);
 - d. Bean Bag Shotgun.
5. Officers shall not carry or utilize any LLF weaponry unless qualified as established by Department training standards. Officers are authorized the reasonable use of other objects or weapons when exigent circumstances exist.
6. Specialized LLF Weaponry
 - a. Upon approval of the Chief of Police, SWAT personnel or other officers may use other specialized LLF weaponry.
 - b. All authorized officers shall be trained in the use of specialized LLF weaponry.
7. When an offender has been secured by a restraint device, the use of impact weapons, chemical agents and physical control techniques is prohibited, unless exigent circumstances exist and their use is reasonable.
8. Officers who have taken extended leave or suffered an illness or injury that could affect their ability or proficiency with LLF weaponry may be required to attend remedial training and demonstrate proficiency before carrying or utilizing assigned LLF weaponry.

D. Lethal Force

1. The decision to use Lethal Force on an individual shall be guided by Objective Reasonableness and must be evaluated under the totality of the circumstances known or perceived by the officer at the time the decision to use force is made.
2. An officer may use lethal force under the following circumstances:
 - a. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily injury;
 - b. To apprehend or prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life



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should escape occur. An officer shall:

- 1) When feasible, identify him or herself as law enforcement and state his or her intention to shoot or otherwise use lethal force, and
- 2) Allow an opportunity for the subject to surrender.
- c. Destroy an animal which is a threat to the public welfare or when requested by an animal control officer or supervisor for humane reasons.
3. An officer shall exercise sound judgment and tactics involving imminent use of force encounters to minimize the threat of death or serious bodily injury to the officer or others, when feasible. When reasonable under the totality of the circumstances, officers should do the following:
 - a. Assess the risks;
 - b. Use verbal persuasion;
 - c. Gather resources;
 - d. Slow the momentum;
 - e. Communicate and coordinate with other responding officers;
 - f. Seek cover;
 - g. Re-deploy.
4. Edged Weapons: When confronted by a subject armed with a deadly weapon, including edged weapons, an officer should weigh the totality of the facts and circumstances of each situation. Practical considerations may include, but are not limited to, the proximity of the subject to the officer(s) and other persons, how rapidly the circumstances are evolving, and the use of force options that may be necessary, appropriate, and available.
5. All officers shall exercise constant self-discipline and restraint regarding the use of their weapon(s)
 - a. An officer shall apply lethal or potentially lethal force to an amount reasonable to stop the threatening actions of a subject.
 - b. Warning Shots are discouraged and should only be used in exceptional circumstances. Warning shots may be fired if an officer is authorized to use lethal force and only if an officer reasonably believes a warning shot can be fired safely in light of all circumstances of the encounter. Warning shots shall be directed in a manner that minimizes the risk to innocent persons, and ricochet dangers.
 - c. Firing at a moving vehicle may have very little impact on stopping the vehicle. When possible, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm

at it or any of its occupants. An officer shall not discharge a firearm at a moving vehicle or its occupants in response to a threat posed solely by the vehicle unless the officer has an objectively reasonable belief that:

- 1) The vehicle or subject poses an immediate threat of death or serious bodily injury to the officer or another person and;
 - 2) The officer has no reasonable alternative course of action to prevent death or serious bodily injury.
6. An officer shall take reasonable precautions and means to avoid injuring innocent persons when discharging a firearm.

E. K9 Services

1. The Department may utilize trained Police Service Dogs to assist in law enforcement matters. These include but are not limited to; subject searches and subject apprehensions.
2. If the apprehension results in a bite:
 - a. The injured person will be afforded medical attention as soon as practical,
 - b. The K-9 team's supervisor shall be notified,
 - c. The K-9 handler shall submit a Use of Force Report, and any other report as directed, and
 - d. A Field Investigator will photograph and document the injuries incurred as a result of the canine's use.

F. Conducted Electrical Weapons (TASER or CEW)

1. Officers who have satisfactorily completed the Department's approved CEW training course shall be authorized to carry CEWs.
2. The CEW may be used when there is an immediate threat of physical force. Use of the CEW shall be guided by Objective Reasonableness.
3. Uniformed officers shall carry the CEW in an approved holster on the opposite side of the body from the officer's firearm. SWAT, perimeter, and non-uniformed personnel carrying a CEW, shall have it secured in a pouch or tactical holster away from their primary weapon.
4. An officer shall not draw his or her primary weapon and the CEW, nor maintain both displayed at the same time.
5. CEW's shall be carried fully armed with the safety on in preparation for immediate use when authorized.
6. Officers authorized to use CEW's shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in



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case the first cartridge's leads break during engagement. The spare cartridge shall be stored and carried in a manner consistent with training. Damaged or expired cartridges shall be replaced consistent with manufacturer's guidelines.

7. Only agency approved battery power sources shall be used in the CEW.
8. The CEW should not be utilized under the following circumstances:
 - a. On a handcuffed/secured prisoner unless exigent circumstances exist and its use is reasonable.
 - b. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present, such as chemical agents with volatile propellant, gasoline, natural gas, or propane.
 - c. On a subject who is on an elevated or unstable surface or an environment where the subject's fall could reasonably result in death (e.g., swimming pool, tree, roof, ladder, ledge, balcony, porch, bridge, or stairs).
 - d. On a subject that displays solely static resistance (peaceful protest, refusal to stand, non-aggressive verbal resistance, etc.)
 - e. On a person who could suffer an impact injury to the head due to being less able to break his or her fall while running. The CEW should not be deployed as the sole justification to stop a fleeing subject unless the subject demonstrates an articulable and immediate threat to the officer, or others.
 - f. The CEW should not be used on a subject who is operating a motor vehicle unless there is a compelling reason to do so which can be clearly articulated.
 - g. The CEW should not be used to prevent a subject from ingesting narcotics.
9. Absent a compelling reason to do so which can be clearly articulated, the CEW should not be used on women that are visually pregnant, those with physical disabilities and persons who are very young or very old, to reduce the likelihood of secondary injuries or complications due to involuntary loss of motor responses.
10. Officers shall refer to the current Department training standards regarding primary and secondary target areas. Currently, the preferred target areas are below the neck area for back shots and the lower center mass (below chest) for front shots. Back shots are preferable to front shots when practicable.
11. Upon firing the CEW, the officer shall energize the subject the least number of cycle times necessary to effectively gain compliance or control. The subject should be secured as soon as practical while disabled by CEW power to minimize the number of deployment

cycles.

12. The CEW may be used in certain circumstances, by direct contact with the body, when there is an articulable immediate threat to an officer or another person. This involves pressing the unit against an appropriate area of the body. It is important to note that when the device is used in this manner it is:

- a. Primarily a pain compliance tool due to a lack of probe spread,
- b. Minimally effective when compared to conventional cartridge type deployments, and

13. Aftercare

- a. The CEW probes shall be removed from the subject after being restrained. Removal shall be consistent with department training.
- b. If probes are deployed from the CEW, an officer should take photographs before and after the darts are removed.
- c. Medical evaluations and clearance shall be consistent with department training.

14. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and complete the appropriate report.

15. When the device has been deployed operationally, the on-duty supervisor shall ensure collection of the cartridge, wire leads, probes, and aphids as evidence and the electronic information stored in the CEW will be downloaded as soon as possible.

G. Use of Force Notification Procedure.

1. An officer shall immediately notify a supervisor of the following situations:
 - a. When an officer believes that a use of force may occur due to the type of call, or the behavior of a subject;
 - b. When an officer has discharged a firearm;
 - c. When the use of lethal force has occurred, whether or not death or injury results;
 - d. When LLF weaponry is used; or
 - e. When the use of LLF has resulted in an injury or a complaint of injury.
2. When a supervisor is notified that a use of force has occurred, that supervisor shall immediately respond to the scene. The supervisor shall assume command and ensure that the scene is secured, that all evidence is collected, and begin an independent investigation of the use of force. Inclusive of the tasks required by the supervisor, he or she shall ensure that photographs are taken of the involved officer(s), the subject(s), the environment, and K9 if involved.



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3. When a use of force occurs that involves the discharge of a firearm or which results in the death or great bodily harm to any person, the appropriate Departmental response shall be guided by the Rio Rancho Police Department Standards and Procedures Section IX, Chapter 2, Article 8 regarding *Officer Involved Shooting and Fatal Incidents*.
 4. When an officer uses a firearm to destroy an animal that is a threat to the public welfare or for humane reasons, and there is no injury to any person, the responding supervisor shall make notification to the Chief of Police through the chain of command. When it is determined that Criminal Investigations Section or the Multi-Agency Task Force will not investigate the incident, the responding supervisor shall:
 - a. Ensure that the scene is secured,
 - b. Assign a field investigator to document and collect all evidence,
 - c. Begin an investigation and document the incident in a Supervisor's Review.
 - d. Forward the Supervisor's Review to the Chief of Police through the chain of command.
 5. When an officer unintentionally discharges a firearm and no person is injured, a supervisor shall immediately respond to the scene. The supervisor shall make notification to the Chief of Police through the chain of command. When it is determined that Criminal Investigations Section or the Multi-Agency Task Force will not investigate the incident, the responding supervisor shall:
 - a. Ensure that the scene is secured,
 - b. Assign a field investigator to document and collect all evidence,
 - c. Begin an investigation and document the incident in a Supervisor's Review.
 - d. Forward the Supervisor's Review to the Chief of Police through the chain of command.
 6. A custody procedure is used to maintain control over a subject. As such, a custody procedure alone should not be considered as a use of force. If a subject is injured during a custody procedure as a result of resistance, then a use of force report shall be completed.
- H. Use of Force Reporting Procedure
1. A Use of Force Report shall be completed and submitted by the officer when:
 - a. LLF weaponry is used, or
 - b. LLF results in an injury or a complaint of injury.
 2. Completion of the Use of Force Report.
 - a. All involved officers shall document their actions related to the incident on a use of force report.
 - b. The use of force report shall be completed no later than three calendar days following the incident. A lieutenant or above may grant an additional two days to complete the report.
 - c. The following factors shall be included in the use of force report if they apply:
 - 1) The environment at the time of the incident (weather, lighting conditions, Pedestrian and/or vehicle traffic);
 - 2) Knowledge that the officer had regarding the incident or subject that influenced the decision to use force;
 - 3) The type of crime being investigated;
 - 4) The location and availability of additional officers;
 - 5) Distance from the threat or the subject involved in the use of force incident;
 - 6) The availability of cover and/or concealment;
 - 7) Attempts made to de-escalate the situation;
 - 8) Decision to close distance or challenge the subject involved in the use of force incident;
 - 9) The level of resistance displayed by the subject involved in the use of force incident;
 - 10) The immediate threat the subject posed to the officer or others;
 - 11) Planning involved in the use of force incident;
 - 12) Communication and coordination involved in the use of force incident;
 - 13) The dynamics of the use of force incident;
 - 14) How the particular level of force was applied in the incident;
 - 15) Any disparity of force;
 - 16) The amount of fear felt by the officer due to his or her perception of the incident;
 - 17) Influential circumstances;
 - 18) Any first aid or follow up care applied.
 3. Supervisor Investigation and Review of Use of Force Incidents
 - a. All reported use of force incidents shall be fully investigated and reviewed by the appropriate



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Department supervisor;

- b. The independent investigation and review shall be documented on the approved Use of Force Supervisor Review form;
- c. The Use of Force Supervisor Review shall be completed no later than fifteen calendar days following the incident and forwarded through the chain of command;
- d. The documented investigation and review should include the following headings and content:

1) Synopsis:

- i. A summary of the use of force incident.
- ii. It should include the name of the officers involved, and the type of force used.

2) Review:

- i. A list of all reports and other documents used to review the incident;
- ii. A list of all audio or video recordings used to review the incident;
- iii. A list of all Department Standards and Procedure sections used to review the incident;

3) Investigation:

- i. How notification was made to the supervisor;
- ii. If a supervisor was called to the scene prior to the use of force;
- iii. What was observed upon arrival to the use of force scene;
- iv. Any actions taken to secure medical care for officers and others involved;
- v. How evidence was secured and properly preserved;
- vi. Any witness statements;
- vii. Any and all video evidence recovered;
- viii. Any facts pertinent to the investigation that may provide insight.

4) Findings:

- i. The facts of the investigation determined by the review;
- ii. Whether the use of force employed by the officer(s) was objectively reasonable;
- iii. Whether the officer(s) involved in the use

of force exercised sound judgment and tactics;

- iv. Whether the officer(s) involved complied with this Standards and Procedures section.

5) Disposition:

- i. A statement of disposition based on the findings;
- ii. Any action taken by the reviewing supervisor as a result of the investigation and review.

6) Recommendations:

- i. Any recommended changes to policy;
- ii. Any recommended changes to training;
- iii. Any additional recommendations related to the use of force incident.

4. Command Review of Use of Force Incidents

- a. All reported use of force incidents shall be fully investigated and reviewed by Department authorities.
- b. When a Use of Force Review of an incident is completed by a supervisor, he or she shall forward the investigation to the next level in the chain of command (e.g., a sergeant will forward to the lieutenant). At each level, the Use of Force Review shall be evaluated and approved. The Deputy Chief in the chain of command shall provide the final approval.

- c. During the evaluation process through the chain of command, any approving command level officer may forward the Use of Force Review investigation to the Use of Force Review Board. The command level officer forwarding the investigation shall submit a memorandum to the Chief of Police requesting that the Board review the incident. Reasons for forwarding an investigation to the Use of Force Review Board are, but not limited to, the following:

- i. An officer committed a willful violation of Department Standards and Procedures during the use of force incident;
- ii. A violation of Department Standards and Procedures occurred that may result in Administrative Sanctions;
- iii. Any officer involved in the use of force incident sustained a broken bone or other serious injury;
- iv. The subject of the use of force incident sustained a broken bone or other serious



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injury;

- v. All use of force incidents resulting in an intentional or unintentional head strike with an impact weapon or device (e.g., baton, beanbag shotgun, etc.);
- d. The Use of Force Review Board is established to evaluate use of force incidents when directed by the Chief of Police. The Use of Force Review Board shall consist of a Use of Force Instructor, a Captain, and one additional command level officer. Each Board Member shall serve as chairperson on a rotating schedule.
- e. For each investigation, the Use of Force Review Board shall be provided with all documents and evidence. The Board may call the reviewing supervisor to present his or her investigation and the findings. For clarification, the Board may also call the involved officers to provide a statement.
- f. When the Board completes a review of a use of force incident, the Chairperson shall submit a report, in a memorandum format, to the Chief of Police regarding the following factors:
 - i. Whether the use of force in the incident was objectively reasonable;
 - ii. Whether the officer(s) involved in the use of force exercised sound judgment and tactics;
 - iii. Whether the officer(s) involved in the use of force complied with Department Standards and Procedures.
- g. The Chief of Police shall evaluate the Use of Force Review Board report and make a final determination on the actions of the involved officer(s).
- I. This procedure is to be used in conjunction with Department standards, orders, values and other relevant policies and procedures.



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SECTION: IX**CHAPTER: 2****ARTICLE: 8****SERIOUS USE OF FORCE AND IN CUSTODY DEATH INCIDENTS****GENERAL STANDARD**

The Department shall conduct objective and thorough investigations whenever an Officer is involved in any shooting incident, intentional or accidental, an in custody death, or serious use of force incident which results in death or great bodily harm to any person, including any Officer. A multi-agency task force shall conduct the investigation to maintain integrity in the organization, protect the mental and physical well-being of the involved Officer, maintain community confidence in the investigative process, protect against unwarranted civil liability, and guarantee fair treatment of all persons involved.

DEFINITIONS

Criminal Investigation: An investigation to discover all relevant evidence for a determination of whether or not a crime was committed during the course of the incident by any person involved.

Internal Investigation: An administrative investigation to discover all relevant evidence for a determination of whether there was a violation of Department rules, policy, or procedure; whether relevant policy was clearly understandable and effective to cover the incident; and whether prior Department training was adequate.

Use of Force: Any physical effort used in order to effect, influence, or persuade the compliance of an unwilling subject above an unresisted handcuffing procedure.

Lethal Force: A degree of force, which is likely to produce death or serious bodily injury. Lethal Force is not limited to the use of firearms.

Less Lethal Force (LLF): A degree of force which is neither likely nor intended to cause death or serious bodily injury.

Officer Involved Shooting (OIS): An incident involving any officer who, under color of law, uses lethal force by discharging a firearm which results in, or reasonably could have, resulted in physical injury.

Serious Use of Force Incident: An incident involving any officer who, under the color of law, uses lethal or less lethal force which results in serious or great bodily injury to any person including an officer to include an officer involved shooting.

In Custody Death: The death of any person who is in the Department's custody from the restriction of movement until such time as he or she is released from Department custody.

Multi-Agency Task Force: A task force with representatives from multiple agencies created to investigate Officer Involved Shootings, Serious Use of Force Incidents, and In Custody Deaths.

Principal Officer: Any officer who, under color of law, uses lethal force which has, or reasonably could have, resulted in death or great bodily harm or, who under the color of law, has discharged a firearm which has, or reasonably could have, resulted in physical injury.

Involved officer: Any officer present at the scene, other than the

principal officer, when the principal officer under color of law, uses lethal force which has, or reasonably could have, resulted in death or great bodily harm or, who under the color of law, has discharged a firearm which has, or reasonably could have, resulted in physical injury.

Post Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

STANDARDS AND PROCEDURES**A. PRINCIPAL AND INVOLVED OFFICERS**

1. Shall not alter or remove clothing or otherwise cleanse themselves so that potential evidence would be destroyed, until authorized by the investigative team leader.
2. May contact family members, a labor representative and legal counsel.
3. May request blood or urine samples for prohibited alcohol or drug consumption at the Department's expense, when such test(s) would not be required by Department procedure.
4. May only leave the designated area when authorized by the investigative team leader.

B. PATROL RESPONSE

1. Patrol Officers shall:
 - a. Provide medical care for injured persons.
 - b. Secure the outer perimeter of the crime scene and search for possible suspects believed to be in the area.
 - c. Locate and identify all witnesses (including department personnel) and separate them to ensure witness credibility.
2. Patrol Supervisors shall:
 - a. Respond to the scene of the incident and take command.
 - b. Ensure that responding officers have taken appropriate action.
 - c. Ensure that the Principal and Involved officers remain in the same attire and do not dispose of any items which were in his/her possession at the time of the incident until authorized.
 - d. Be responsible for maintaining security of the scene and all personnel until relieved.
 - e. Speak briefly with the Principal and Involved Officers to obtain information that would impact the safety of the public. All Principal and Involved Officers will be advised that a more detailed



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interview shall be conducted by the Multi-Agency Task Force at a later time.

involved officer or an on scene supervisor.

f. Information that would impact the public includes:

- i. Information on type of force used;
- ii. Direction and approximate number of shots fired by officers and suspects;
- iii. Location of injured persons;
- iv. Description of at-large suspects and their direction of travel, time elapsed since the suspects were last seen, and any suspect weapons;
- v. Description and location of any known victims or witnesses;
- vi. Description and location of any known evidence; and
- vii. Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.

g. Initiate notification to the Chief of Police through the chain-of-command.

h. Advise all Principal and Involved Officers not to discuss the incident with anyone except a legal counsel, Department attorney, association representative, Multi-Agency Task Force investigator, or other Department investigator until the conclusion of the preliminary investigation.

i. Ensure that any injured officers are transported to a medical facility.

- i. Assign an Officer to accompany the injured Officer, and;
- ii. Notify the family of the injured Officer as soon as possible.

j. Assign a Field Investigator to respond to the scene.

- i. The Field Investigator will take photographs of the Principal and Involved Officers when directed by the Lead Investigator.
- ii. The photographs will be turned over to the Lead Investigator as soon as possible.

k. Ensure the scene is not altered or evidence is not seized prior to the arrival of the investigation team unless exigent circumstances exist.

l. Designate an officer, acting as a peer counselor, to accompany the Principal Officer to a quiet and secure area. The Principal Officer may choose a "Buddy Officer" who is not a principal officer,

C. INVESTIGATION

1. Criminal Investigations Section

- a. A Criminal Investigations Section (CIS) supervisor shall respond to every OIS, Serious Use of Force Incident, and In Custody Death.
- b. The CIS supervisor shall meet with the Incident Commander, assume section command as it pertains to CIS, and determine the scope of the investigation.
- c. Once it is determined that an OIS, a Serious Use of Force Incident, or In Custody Death did occur, the CIS supervisor will, after conferring with the Incident Commander, request the response of a Multi-Agency Task Force.

2. Multi-Agency Task Force

- a. Department representatives of the Multi-Agency Task Force shall have a minimum of three years law enforcement experience to include one year of felony crime investigative experience.
 - i. The Chief of Police or his designee may establish additional criteria and requirements for assignment to the Multi-Agency Task Force.
 - ii. A minimum of one detective and one supervisor shall be assigned as Department representatives on the Multi-Agency Task Force.
- b. When a Multi-Agency Task Force is requested to respond to an incident by the Department, one agency shall be determined to be the Lead Agency.
 - i. If a member of the Department is involved in an OIS, Serious Use of Force Incident, or In Custody Death, the Rio Rancho Police Department shall be the Lead Agency.
 - ii. If a member of the Department is involved in an OIS, Serious Use of Force Incident, or In Custody Death that also involves a member of another law enforcement agency, Lead Agency designation shall be determined by the initial enforcement action.
 - iii. The Chief of Police or his designee may request the New Mexico State Police to assume the role as Lead Agency.
- c. When the Department is the Lead Agency in a Multi-Agency Task Force, the on scene CIS supervisor will assume responsibility for management of the incident.



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- i. The on scene CIS supervisor will assign a detective from CIS, or other appropriate unit, as the Lead Investigator.
 - ii. It will be the responsibility of the on scene CIS supervisor to determine assignments for the Multi-Agency Task Force.
 - iii. The initial Task Force briefing shall be given as soon as possible but not before all Multi-Agency Task Force representatives are present.
 - iv. The on scene CIS supervisor will ensure subsequent Task Force briefings are conducted when appropriate or when requested by the Lead Investigator.
 - d. The Multi-Agency Task Force is responsible for the following:
 - i. Locating, identifying, preserving and collecting items of evidentiary value;
 - ii. Conducting recorded interviews with the Principal Officer(s), Involved Officer(s) and witnesses to the incident;
 - iii. Ensuring that all recorded interviews and any other evidence collected during canvassing will be documented and provided to the Lead Agency.
 - iv. Requesting, obtaining, and executing all search and arrest warrants related to the incident;
 - v. Death notifications when approved by the on scene CIS supervisor;
 - e. The on scene CIS supervisor shall assign Task Force representatives to collect items of evidentiary value from the Principal and other Involved Officers.
 - i. When a weapon is to be collected from an officer, it shall be done so as discreetly as possible.
 - ii. Any weapons collected shall be replaced with another weapon when appropriate.
 - f. The Multi-Agency Task Force shall inform the Officer(s) of the type and scope of investigations being conducted and provide the names of the investigation team members conducting the investigations. Officer(s) shall also be advised of their Miranda rights.
 - g. The information obtained as a result of a criminal investigation may be used for the purpose of the Internal Investigation.
- D. ADMINISTRATIVE DUTIES**
- 1. Post Incident Procedures following an Officer Involved Shooting, Serious Use of Force Incident, or an In Custody Death.
 - a. When appropriate, Principal and Involved Officers may be placed on Administrative Leave with pay for a period to be determined by the Chief of Police consistent with Department Standards and Procedures Section II, Chapter 2, Article 10 *Relief of Duty*. The Officer(s) shall remain available for any necessary Internal or other Administrative Investigations.
 - b. Officers should consider having phone calls answered by another person for several days if their names are released to the public.
 - c. Officers directly involved in the incident shall be required to meet with an agency designated specialist for an evaluation as soon as practical following the incident. This will be at the Department's expense.
 - d. Involved support personnel are also encouraged to contact an agency-designated specialist who has the following qualifications:
 - i. Is a licensed or certified psychologist or psychiatrist; and,
 - ii. Has been trained or has a background in psychological test interpretation and public safety psychological assessment techniques.
 - e. The specialist shall advise the Chief of Police of the results of the evaluation sessions to determine:
 - i. Whether it would be in the best interest of the Officer to continue on Administrative Leave or light duty, and for what length of time.
 - ii. The best-continued course of counseling (if any), and
 - iii. If and when a weapon will be returned to the officer.
 - f. The families of the Officer(s) are encouraged to seek counseling.
 - g. The Chief of Police should periodically brief Department officers concerning the incident to curtail rumors.
 - h. Officer(s) shall not release information about the incident to the news media without authorization from the Chief of Police or his designee.
 - i. When a Department approved firearm has been used in the incident, the Officer shall be required to



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re-qualify with a replacement weapon upon returning to regular assigned duties.

2. Internal Investigation following an Officer Involved Shooting, Serious Use of Force Incident, or an In Custody Death.

a. The Chief of Police or his designee shall appoint two MOS, a primary and secondary investigator, to conduct an Internal Investigation documenting the incident for administrative purposes.

i. The Internal Investigation and Criminal Investigation shall be bifurcated. Any MOS involved in the criminal investigation shall not be involved in the Internal Investigation portion of the incident.

ii. The Internal Investigation shall comply with Department Standards and Procedures Section II, Chapter 4, Article 2 *Internal Investigations*.

b. If a Use of Force occurred during the incident, the Internal Investigation shall address the following:

i. Whether the use of force employed by the officer(s) was objectively reasonable;

ii. Whether the officer(s) involved in the use of force exercised sound judgment and tactics;

iii. Whether the officer(s) involved complied with Department Standards and Procedures Section I, Chapter 1, Article 5 *Use of Force*.

c. The Internal Investigation shall determine whether other violations of Department Standards and Procedures, Written Directives, City Work Rules, or training have occurred.

d. The information obtained as a result of an Internal Investigation shall not be used for the purpose of the criminal investigation. However, information obtained as a result of the criminal investigation may be used for the purpose of the Internal Investigation.

e. The complete Internal Investigation report will be submitted directly to the Chief of Police or his designee.

3. If the Officer(s) exhibits signs or symptoms of post-traumatic stress disorder after the 30-day observation, a report shall be forwarded to the Chief of Police.

4. The Chief of Police may order the Officer(s) to seek additional counseling from a specialist dealing in stress disorders upon a reasonable belief that stress may be disrupting the officer's well-being or job performance.

F. This Standard and Procedure section is to be used in conjunction with Department Standards, orders, values and other relevant policies and procedures.

E. DAILY STRESS RECOGNITION

1. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the condition, each supervisor is responsible for monitoring the behavior of Officer(s) for symptoms of the disorder.

2. A report of the supervisor's observations shall be forwarded to the Chief of Police after 30 days.